



AF 27W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jim B. Estipona	§	Group Art Unit:	2623
		§		
Serial No.:	09/652,413	§		
		§	Examiner:	Jason P. Salce
Filed:	August 31, 2000	§		
		§		
For:	Time Shifting Enhanced Television	§	Atty. Dkt. No.:	ITL.0443US
	Triggers	§		(P9558)

Mail Stop **Appeal Brief**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF AMENDED APPEAL BRIEF

Dear Sir:

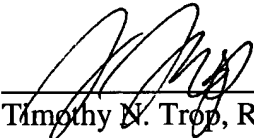
In response to the Notification of Non-Compliant Appeal Brief, attached hereto is an Amended Appeal Brief.

Statutes and patent or publication numbers for references have been added to the Grounds of Rejection and Arguments sections. In the Status of Claims section, claims 5 and 16, which are indicated to be allowable, are no longer included as subjects of the Appeal Brief. The Amended Appeal Brief is therefore believed to be in compliance.

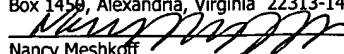
No fee is believed to be due with this response. However, the Commissioner is authorized to charge any fee due to Deposit Account No. 20-1504 (ITL.0443US).

Respectfully submitted,

Date: August 29, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]

Date of Deposit: <u>August 29, 2006</u> I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.  Nancy Meshkoff



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

On re Applicant:

Jim Estipona

Serial No.: 09/652,413

Filed: August 31, 2000

For: Time Shifting Enhanced Television
Triggers

§
§
§
§
§
§
§
§
§

Art Unit: 2623

Examiner: Jason P. Salce

Atty Docket: ITL.0443US
P9558

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Date of Deposit: August 29, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

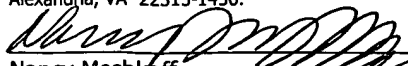

Nancy Meshkoff

TABLE OF CONTENTS

REAL PARTY IN INTEREST.....	3
RELATED APPEALS AND INTERFERENCES.....	4
STATUS OF CLAIMS	5
STATUS OF AMENDMENTS	6
SUMMARY OF CLAIMED SUBJECT MATTER	7
GROUND OF REJECTION TO BE REVIEWED ON APPEAL	10
ARGUMENT	11
CLAIMS APPENDIX.....	13
EVIDENCE APPENDIX.....	17
RELATED PROCEEDINGS APPENDIX.....	18

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-4 (Rejected).

Claim 5 (Allowable).

Claims 6-15 (Rejected).

Claim 16 (Allowable).

Claims 17-30 (Rejected).

Claims 1-4, 6-15, and 17-30 are rejected, claims 5 and 16 are indicated to be allowable, and claims 1-3, 6-13, 17-26, 28, and 30 are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:

receiving an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time (Figure 2, page 5, line 19 to page 6, line 5); and

enabling the resource to be accessed after the trigger expiration time (Figure 2, block 38, page 6, line 19 to page 7, line 2).

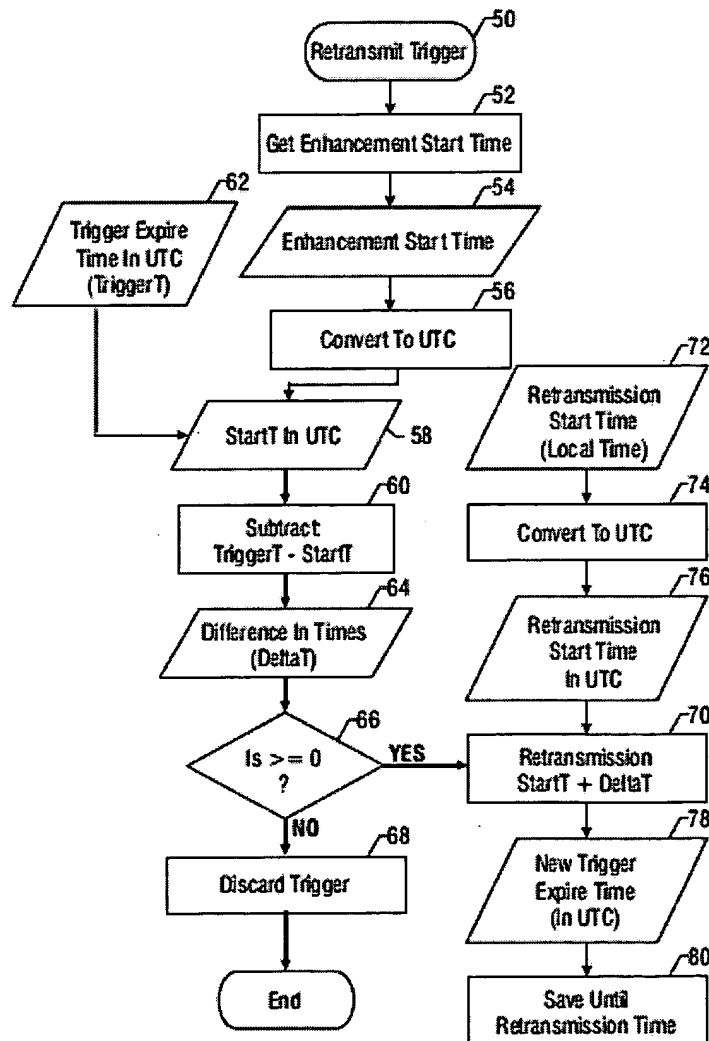


FIG. 4

12. An article comprising a medium storing instructions that enable a processor-based system to:

receive an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time (Figure 2, page 5, line 19 to page 6, line 5); and

enable the resource to be accessed after the trigger expiration time (Figure 2, block 38, page 6, line 19 to page 7, line 2).

23. A system comprising:

a processor-based device (Figure 1, 12); and

a storage (Figure 1, 17) coupled to said processor-based device storing instructions that enable said processor-based device to receive an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time and enable the resource to be accessed after the trigger expiration time (page 5, line 19 to page 6, line 5).

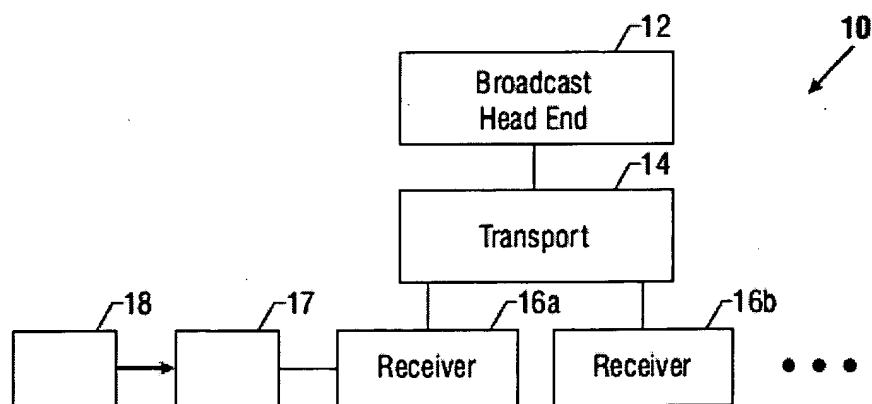


FIG. 1

30. The system of claim 28 wherein said system makes said resource available at a new location and translates said trigger to point to said new location (Figure 6, 138, page 11, lines 9-25).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 1-3, 6-13, and 17-22 anticipated under 35 U.S.C. § 102(e) by Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1)?

B. Are claims 23-26 and 28 unpatentable under 35 U.S.C. § 103(a) over Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1) in view of Zigmond (U.S. Patent No. 6,571,392)?

C. Is claim 30 unpatentable under 35 U.S.C. § 103(a) over Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1) in view of Zigmond (U.S. Patent No. 6,571,392) in further view of Scott (U.S. Patent No. 6,338,094)?

ARGUMENT

A. Are claims 1-3, 6-13, and 17-22 anticipated under 35 U.S.C. § 102(e) by Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1)?

Claim 1 calls for receiving enhanced television transmission. This generally involves a television program plus some other information that may be accessed through a trigger that points to a resource. Normally the trigger has an expires attribute, indicating a trigger expiration time that prevents accessing the trigger after the expiration time. As claimed, the resource is enabled to be accessed after the trigger expiration time.

The cited references do no such thing. In effect, the final rejection relies on redefining expiration time to being something other than expiration time. Therefore the rejection should be reversed.

The final office action contends: "Further note Figure 16 for a graphical representation of a trigger having a trigger expiration time 1600 and after the trigger is accessed at point 1600 the resource can be accessed up until point 1603." Number 1600 is the time when the trigger is received. See the reference at paragraph 59, middle of the paragraph. 1603 is the life span ending time. See paragraph 60. Nothing suggests that the trigger can be accessed after the life span ending time 1603. Therefore, the reference cannot be applied because the resource is not accessed after the trigger expiration time.

The attempt to define trigger expiration time as something other than the trigger expiration time as expressly stated in the reference should be unavailing. In other words, there is nothing that suggests that the trigger expiration time in the claim is anything different than what is called the trigger expiration time in the reference. And the reference never enables accessing the trigger after the expiration time 1603.

Paragraph 13 of the reference belies the interpretation applied by the Examiner and more or less states that the trigger cannot be executed after it has expired. Again, this express description in the reference is inconsistent with the positions taken in the office action. In other words, not only is the reference being interpreted inconsistently with the arguments made by the Applicant here, but also inconsistently with the terminology used in the cited reference. Thus, there seems to be no basis for an interpretation which is contrary to both logic and the usage in the reference.

Therefore, a *prima facie* rejection is not made out because there is no showing of the second claim elements of claim 1 which is enabling the resource to be accessed after the trigger expiration time.

B. Are claims 23-26 and 28 unpatentable under 35 U.S.C. § 103(a) over Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1) in view of Zigmond (U.S. Patent No. 6,571,392)?

For the reasons already described, these rejections should also be reversed.

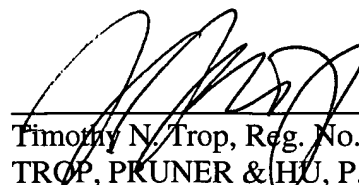
C. Is claim 30 unpatentable under 35 U.S.C. § 103(a) over Blackketter (U.S. Patent Application Publication No. 2002/0056129 A1) in view of Zigmond (U.S. Patent No. 6,571,392) in further view of Scott (U.S. Patent No. 6,338,094)?

None of the cited references ever contemplate the notion of trigger redirection. A URL is not a trigger. A trigger identifies a URL and a human readable string for use in a user announcement. See cited ATVEF Specification at page 35 of 36.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: August 29, 2006



Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 S. Voss Road, Suite 750
Houston, TX 77057
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:
receiving an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time; and
enabling the resource to be accessed after the trigger expiration time.
2. The method of claim 1 including rebroadcasting the enhanced television transmission.
3. The method of claim 1 including differencing the current time and the trigger expiration time.
4. The method of claim 3 including determining whether the trigger expiration time is greater than the current time and if not, discarding the trigger.
5. The method of claim 2 including determining whether the trigger expiration time is greater than the enhancement start time and if so, retransmitting the trigger with a trigger expiration time equal to the time when an enhanced television transmission will be rebroadcast plus the difference between the trigger time and the enhancement start time.
6. The method of claim 1 including recording said enhanced television transmission for subsequent replay.
7. The method of claim 6 including differencing the current time and the trigger expiration time.

8. The method of claim 7 including determining whether the difference is greater than zero.

9. The method of claim 8 wherein, if the difference is not greater than zero, discarding the trigger before recording said enhanced television transmission.

10. The method of claim 8 including, if the difference is greater than zero, discarding the trigger expiration time and recording the trigger.

11. The method of claim 1 including receiving an enhanced television transmission having a trigger that refers to a remote resource, accessing said remote resource and storing said remote resource.

12. An article comprising a medium storing instructions that enable a processor-based system to:

receive an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time; and

enable the resource to be accessed after the trigger expiration time.

13. The article of claim 12 further storing instructions that enable the processor-based system to rebroadcast the enhanced television transmission.

14. The article of claim 12 further storing instructions that enable the processor-based system to subtract the current time from the trigger expiration time.

15. The article of claim 14 further storing instructions that enable the processor-based system to determine whether the trigger expiration time is greater than the current time and if not, discard the trigger.

16. The article of claim 12 further storing instructions that enable the processor-based system to determine whether the trigger expiration time is greater than the enhancement start time and if so, retransmit the trigger with a trigger expiration time equal to the time when the enhanced television will be rebroadcast plus the difference between the trigger time and the enhancement start time.

17. The article of claim 12 further storing instructions that enable the processor-based system to record said enhanced television transmission for subsequent replay including both the television content and an enhancement accompanying said television content.

18. The article of claim 17 further storing instructions that enable the processor-based system to difference the current time and the trigger expiration time.

19. The article of claim 18 further storing instructions that enable the processor-based system to determine whether the difference is greater than zero.

20. The article of claim 19 further storing instructions that enable the processor-based system to discard the trigger before recording said enhanced television transmission if the difference is not greater than zero.

21. The article of claim 19 further storing instructions that enable the processor-based system to discard the trigger expiration time and record the trigger if the difference is greater than zero.

22. The article of claim 12 further storing instructions that enable the processor-based system to receive an enhanced television transmission having a trigger that refers to a remote resource, access said remote resource and store said remote resource.

23. A system comprising:
a processor-based device; and

a storage coupled to said processor-based device storing instructions that enable said processor-based device to receive an enhanced television transmission including a trigger that points to a resource and has an expires attribute indicating a trigger expiration time that prevents accessing said trigger after an expiration time and enable the resource to be accessed after the trigger expiration time.

24. The system of claim 23 wherein said system is an enhanced television receiver with a broadcast recording device.

25. The system of claim 23 wherein said system is an enhanced television rebroadcast system.

26. The system of claim 25 wherein said storage stores instructions that difference the trigger expiration time and the enhancement start time.

27. The system of claim 26 wherein the trigger is discarded if the trigger has expired.

28. The system of claim 23 wherein said storage stores instructions that enable said system to receive enhanced television transmission having a trigger that refers to a remote resource, access said remote resource and store said remote resource.

29. The system of claim 28 wherein said storage stores instructions that enable said system to convert a type A transmission to a type B transmission.

30. The system of claim 28 wherein said system makes said resource available at a new location and translates said trigger to point to said new location.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.